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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1232 (1999) of 30 March 1999, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 1999, in the expectation that agreement would be reached on the various protocols and the implementation calendar without undermining the integrity of the package, and that the Mission could proceed with the identification and appeals operations promptly. The report covers developments since my previous report to the Security Council, dated 22 March 1999 (S/1999/307).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

A. Consultations with the parties

2. As outlined in my report of 11 December 1998 (S/1998/1160), the key provisions of the United Nations package, designed to accelerate the referendum process and presented to the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO), in October 1998, were as follows: the initiation of the appeals process for already identified applicants at the same time as the identification of remaining applicants from tribal groupings H41, H61 and J51/52 wishing to present themselves individually; the effective formalization of the presence of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the Territory to allow the necessary preparation for the repatriation of refugees and other Saharans residing outside the Territory who are eligible to vote, together with their immediate families; and a revised schedule, under which the transitional period would start in June-July 1999 and the referendum would be held in December 1999.

3. As also described in my report of 11 December, the measures to be taken by MINURSO with the cooperation of the parties were detailed in a set of documents, which included a protocol on the identification of those remaining applicants from tribal groupings H41, H61 and J51/52 wishing to present themselves individually, a protocol on the appeals process, a memorandum on the activities

of UNHCR in the region and a calendar outlining the next implementation stages of the United Nations Settlement Plan (see S/21360 and S/22464 and Corr.1).

4. During my visit to the region late in 1998, the Frente POLISARIO formally accepted the United Nations package of measures. For its part, Morocco expressed concerns and sought clarifications about key provisions of the package. As indicated in my previous report (S/1999/307), on 22 March 1999, following several rounds of consultations with the United Nations, the Government of Morocco accepted the package in principle, on the understanding that certain amendments would be incorporated in the identification and appeals protocols and that operational directives, together with a revised timetable, would be provided by MINURSO to the parties. The Government of Morocco suggested the resumption of identification in May 1999, the start of the appeals process in June 1999, and the holding of the referendum in March 2000.

5. During the reporting period, my Acting Special Representative, Robin Kinloch, held consultations on the package with the Coordinator for the Frente POLISARIO, Emhamed Khaddad, on 28 March 1999, and with the Minister of the Interior, Driss Basri, and other Moroccan officials on 8 and 9 April 1999. The amended protocols on identification and appeals, together with detailed operational directives for the implementation of those protocols, were then communicated to the parties on 9 April 1999. Following extensive discussions held between the United Nations and the two parties at Headquarters from 12 to 23 April 1999, these documents, as well as an outline calendar, were finalized and transmitted to the parties on 26 April 1999. In my covering letters to the Minister for Foreign Affairs and Cooperation of the Kingdom of Morocco, Mohammed Benaissa, and the Secretary-General of the Frente POLISARIO, Mohammed Abdelaziz, I asked the parties to convey their formal positions on the documents within the next couple of days, so that the Security Council could be informed and take a decision accordingly. Those documents will be issued as an addendum to the present report.

6. The amended protocols and the operational directives provide for the resumption of identification work on 1 June 1999 and its completion (subject to later confirmation by Morocco that it will provide two sheikhs for the identification of H61 Ait Ousa tribe applicants) in November 1999, and for the start of the appeals process on 1 July 1999 and its completion by February 2000. In the revised outline calendar for the referendum process, it is envisaged that, with the continuing cooperation of both parties, the transition period could begin in February 2000, with a view to holding the referendum in July 2000.

7. Budgetary resources currently available will suffice for the resumption of the identification process in June 1999. Additional resources will be required from July 1999 onward to enable MINURSO to increase the number of Identification Commission members to 30 from the 25 authorized by the Security Council in its resolution 1204 (1998) of 30 October 1998. Additional administrative and support personnel will also be deployed. Moreover, an increase of MINURSO's aviation assets and logistics support equipment will be required at that time, to facilitate the concurrent conduct of the identification and appeals processes.

8. The Mission will also need additional premises in support of the Identification Commission's training of new staff, as the accommodation currently available at Laayoune is insufficient for this purpose. The Moroccan authorities have indicated their willingness to provide such facilities outside Laayoune.

B. Military aspects

9. As at 23 April 1999, the strength of the military component of MINURSO stood at 203 all ranks (see annex). Under the command of Major General Bernd S. Lubenik (Austria), the MINURSO military component continues to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm and there have been no indications that either side intends to resume hostilities.

10. With regard to the provisions on the carriage of weapons contained in paragraph 42 of the status-of-forces agreement between the United Nations and Morocco, consultations with the Moroccan authorities will be initiated shortly, to work out an arrangement detailing the implementation of those provisions.

11. Following the military agreement of 12 March 1999 between MINURSO and the Royal Moroccan Army for the marking and destruction of mines and unexploded ordnance in the Mission area, the first clearance operation was successfully completed. A similar military agreement was concluded by the MINURSO Force Commander with the Frente POLISARIO forces on 5 April. As was noted in my previous report (S/1999/307), those efforts should not be considered a substitute for the necessary deployment of a mine-clearance unit in due course to complete the Mission's mine-related tasks, in particular those required under the repatriation programme for Saharan refugees who are eligible to vote, and their immediate families.

12. With regard to the communications equipment stolen from a MINURSO station east of the defensive sand-wall (berm) in February 1999 (see S/1999/307, para. 15), the Frente POLISARIO and the Algerian authorities have offered to assist MINURSO in the investigation of the theft and recovery of that equipment.

13. Discussions with the Moroccan authorities continue concerning the continued payment by MINURSO of a rent of $12,500 per month for its logistics complex at Laayoune. It is anticipated that the Moroccan authorities will be able to resolve this matter, in the light of the relevant provisions of the recently signed status-of-forces agreement between the United Nations and Morocco.

C. Civilian police aspects

14. The strength of the civilian police component of MINURSO stands at 22 (see annex), under the command of the Acting Commissioner, Assistant Commandant Sunil Roy (India). During the reporting period, two civilian police officers completed their tour of duty.

15. For the resumption of the identification process, the strength of the civilian police component of MINURSO will be brought back to its authorized establishment of 81 officers. In the meantime, the component is preparing an induction training programme for incoming officers. It also continues to perform security duties at Laayoune and Tindouf, guarding the Identification Commission files and working on repatriation logistics plans and related issues.

D. Preparatory work for the repatriation of Saharan refugees

16. The Office of the United Nations High Commissioner for Refugees, in close consultation and coordination with MINURSO, continued its preparatory work for the repatriation of Saharan refugees as provided for under the Settlement Plan (S/21360 and S/22464 and Corr.1). At a meeting with the Moroccan Minister of the Interior at Laayoune on 8 April 1999, UNHCR received assurances that, as requested earlier, it can begin its preparatory activities in the Territory, including confidence-building measures, infrastructure development and logistics planning. UNHCR hopes to confirm with the Moroccan authorities an early date for a joint technical committee meeting, including a joint reconnaissance visit to the Territory.

17. Pending the establishment of a UNHCR/Morocco formal working group, a UNHCR mission was dispatched to Rabat on 15 April 1999, to discuss with the Ministry of the Interior the amendments provided verbally by the latter to the refugee repatriation protocol. Further discussions between UNHCR and Morocco on the protocol are expected to be held at Geneva in May 1999.

18. A UNHCR mission also visited Tindouf from 10 to 14 April 1999 and held discussions with the Frente POLISARIO on the resumption of the pre-registration exercise in the two remaining camps in the Tindouf area. UNHCR expects to resume that exercise on 3 May 1999, and to continue its discussions on the refugee repatriation protocol with the Frente POLISARIO.

III. FINANCIAL ASPECTS

19. As indicated in my previous report to the Security Council, the General Assembly, by its resolution 53/18 of 2 November 1998, appropriated an additional amount of $37.3 million, equivalent to some $4.7 million per month, for the maintenance of MINURSO for the period from 1 November 1998 to 30 June 1999. My budget proposal of 11 February 1999 (A/53/820) for the subsequent 12-month period, from 1 July 1999 to 30 June 2000, to be considered by the General Assembly at its resumed fifty-third session, amounts to some $49 million and is based on the Mission's operational requirements at the maintenance level, including the identification process. Therefore, should the Council decide to extend the mandate of MINURSO, as recommended in paragraph 26 below, the cost of maintaining MINURSO during the extension period would be within the resources already made available to the Mission and the appropriation to be provided by the General Assembly. Should the implementation of the revised timetable for the referendum process require additional resources, I shall seek additional appropriation from the General Assembly. As at 27 April 1999, unpaid assessed contributions to the MINURSO special account amounted to $59.5 million. The

total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,590.9 million.

IV. OBSERVATIONS AND RECOMMENDATIONS

20. As indicated in paragraph 5 above, I expect that the Government of Morocco and the Frente POLISARIO will shortly convey to me their formal positions on the protocols and operational directives, which provide for the resumption of the identification process on 1 June 1999 and the start of the appeals process on 1 July 1999. I am satisfied that, as required by the Security Council, these arrangements proposed by the United Nations are consistent with, and maintain the integrity of, the package of proposals which I presented in October 1998, and that the identification and appeals processes can, if activated promptly, be completed by November 1999 and February 2000, respectively. I believe that there is now a good foundation for the completion of this phase of the Settlement Plan, provided that the full and unequivocal cooperation and support of both parties is maintained throughout.

21. The simultaneous conducting of the identification and appeals processes will shorten the timeline of the referendum process, but will increase staffing and logistic requirements for the Identification Commission from July to November 1999. I intend to submit supplementary budget proposals in due course to cover these requirements.

22. I am encouraged by the recent progress made by UNHCR in its discussions with the Government of Morocco on its preparatory activities for the return of refugees to the Territory. I trust that the Frente POLISARIO will extend its cooperation with UNHCR to enable it to resume its pre-registration exercise in the two remaining camps at Tindouf by 3 May 1999 as planned. It is important that both parties continue to cooperate with UNHCR to enable it to complete its preparatory work for the return of Saharan refugees, as foreseen in the Settlement Plan.

23. The consultations between UNHCR and Morocco have already led to formal arrangements for the installation of UNHCR in the Territory. More recently, UNHCR began consultations with Morocco on the finalization of the protocol governing planning for refugee repatriation, and it will shortly do so with the Frente POLISARIO. I urge all concerned to make every effort to reach agreement by the end of May 1999.

24. I welcome the military agreements reached between MINURSO and the two parties on the demarcation of mines and unexploded ordnance, and note with satisfaction that both sides have begun to implement these agreements, in cooperation with MINURSO. As regards the implementation of the provisions of paragraph 42 of the status-of-forces agreement between the United Nations and Morocco, concerning the carriage of weapons and related issues, I look forward to the early conclusion of an arrangement to that effect.

25. The revised outline calendar for the referendum process incorporates MINURSO's estimates for the completion of the identification and appeals processes in November 1999 and February 2000, and the beginning of the

transition period in February 2000, leading to the referendum campaign in June-July 2000 and the referendum itself at the end of July 2000. However, the timely implementation of this calendar is predicated upon many critical assumptions, including the authorization by the Security Council to begin preparations in July 1999 for the full deployment of MINURSO troops; the total cooperation of the parties in the identification of individual applicants from groups H41, H61 and J51/52 so as to maintain a rigorous programme without the delays and interruptions experienced in the past; the expectation that the appeals process will not be turned into a second round of identification for all applicants found ineligible; the completion by the end of 1999 of planning arrangements for repatriation; the deployment of formed military units, additional military observers and civilian police by January 2000; the reduction and confinement of troops on both sides; the demining of repatriation routes; the proclamation of a general amnesty; and a repatriation process that is completed within 16 weeks, which is considerably shorter than the current estimates of UNHCR.

26. Should the parties agree to the proposed protocols and operational directives, the Security Council should consider extending the mandate of MINURSO for a period of six months, until 30 October 1999. It would be my intention to report to the Council at two-month intervals on progress being made towards the completion of the identification and appeals processes and the start of the transition period.

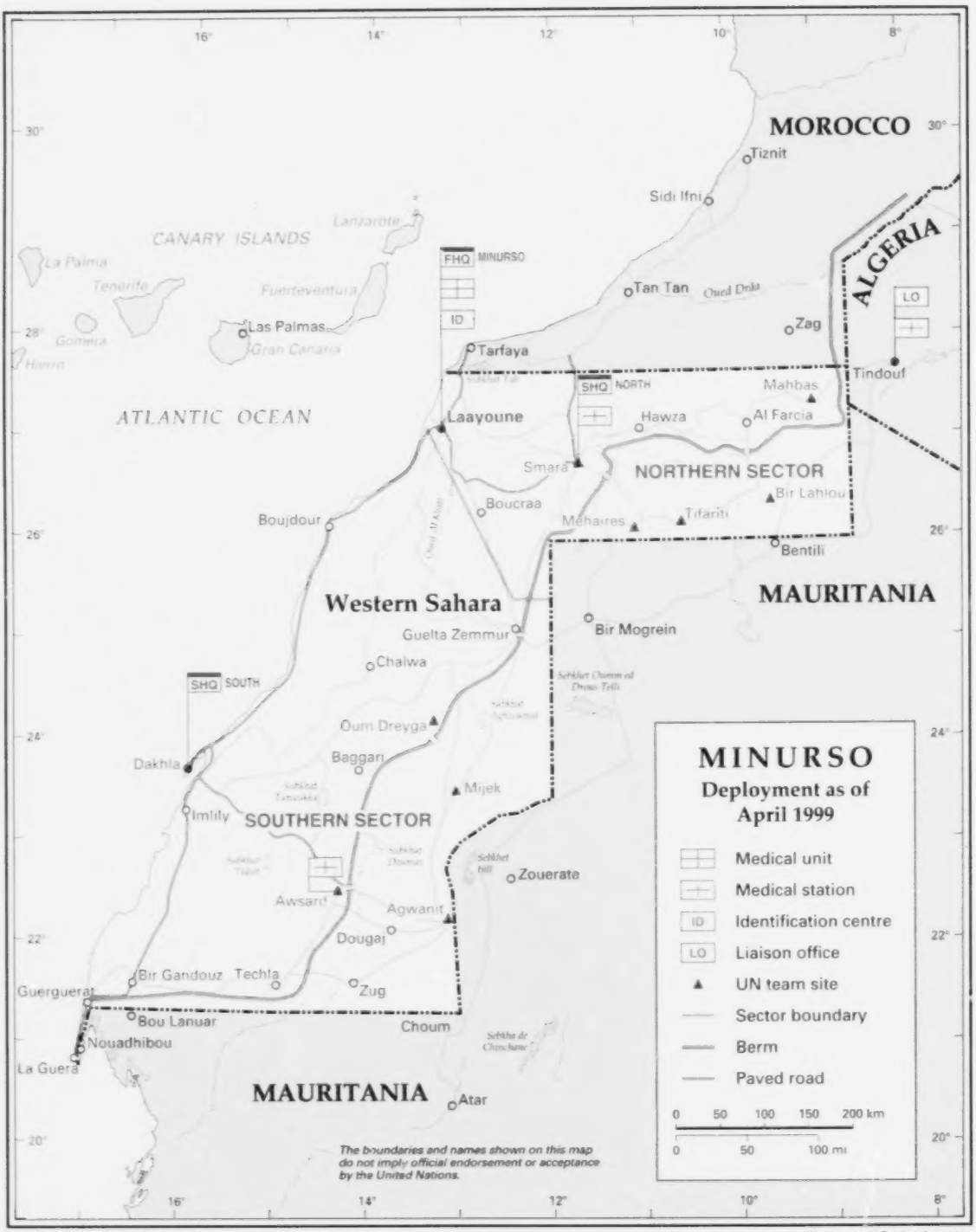
Annex

United Nations Mission for the Referendum in Western Sahara

Contributions as at 23 April 1999

	Military observers	Troops	Civilian police observers	Total
Argentina	1	-	-	1
Austria	5	-	-	5*
Bangladesh	6	-	-	6
Canada	-	-	-	8
China	16	-	-	16
Egypt	19	-	1	20
El Salvador	2	-	-	2
France	25	-	-	25
Ghana	6	7	1	14
Greece	1	-	-	1
Guinea	3	-	-	3
Honduras	12	-	-	12
Ireland	7	-	-	7
India	-	-	10	10
Italy	5	-	-	5
Kenya	8	-	-	8
Malaysia	13	-	-	13
Nigeria	5	-	-	5
Pakistan	6	-	9	15
Poland	3	-	-	3
Portugal	4	-	1	5
Republic of Korea	-	20	-	20
Russian Federation	25	-	-	25
Uruguay	13	-	-	13
United States of America	15	-	-	15
Venezuela	3	-	-	3
Total	203	27	22	252

* In addition to the Force Commander.



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